

Civil Case Calendaring & Management

NCCALJ

CIVIL JUSTICE COMMITTEE

DECEMBER 4, 2015

DUKE UNIVERSITY SCHOOL OF LAW



The Path of a Well-Behaved Civil Case

- Day 1 Case filed; Summons issued
- Day 30 Defendant served
- Day 60 Defendant files an answer
- Day 90 Court sends a notice out, setting case for ADR
- Day 120 District Court Case will be arbitrated or set for trial
- Day 210 District Ct Case trial setting
- Day 270 Superior Ct Case will complete mediated settlement
- Day 300 Superior Ct Case trial setting



Bumps Along the Road

- Defendant isn't served within 30 days
 - An Alias and Pluries Summons may be issued every 90 days
- Once served, the defendant seeks extension of time to file answer
 - Clerk can extend for 60 days past the first deadline; add'l extensions require judge's order
- Informal extensions by counsel
- Payment plans
- Multiple defendants:
 - Some served, some not served; some answer, some don't
- Condemnation cases
- Medical malpractice cases
- Rule 2.1 cases



How Does a Case Move Through the System?

- Case management by Judge's staff
 - Staff monitors the progress of the case
- Management by event
 - Filing of an answer prompts court to send notice
 - Contact by party to schedule motion
- Management by passage of time
 - Time to serve complaint expires
 - Time to file answer expires



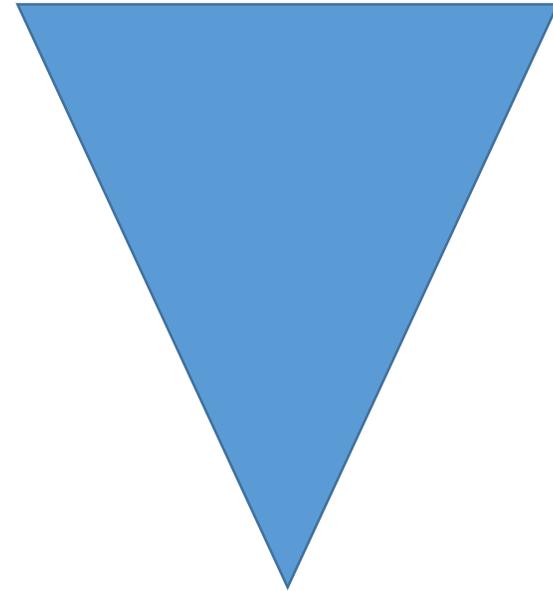
Tools of the Case Management Trade

- Alternative Dispute Resolution
- Motion Calendars
- Discovery Scheduling Orders Setting Deadlines for Events
- Exceptional Case Designation
- Trial Calendars
- Administrative Calendars
- Performance Standards
- Continuance Policies
- Local Rules
- **Significant Events!!!**



Case Disposition in Durham in 2014-15

- 50% Voluntary Dismissal
- 26% Final Judgment, No Trial
- 10% “Other”
- 7% Court Dismissal
- 3% Discontinuance
- 2% Clerk (e.g., Default Judgment)
- 2% Trial by Jury or Judge



Performance Standards

- Statewide Performance Standards, established by the NC Supreme Court in 1996

District Court and Superior Court Civil Cases:

90% Disposed within 365 days of filing

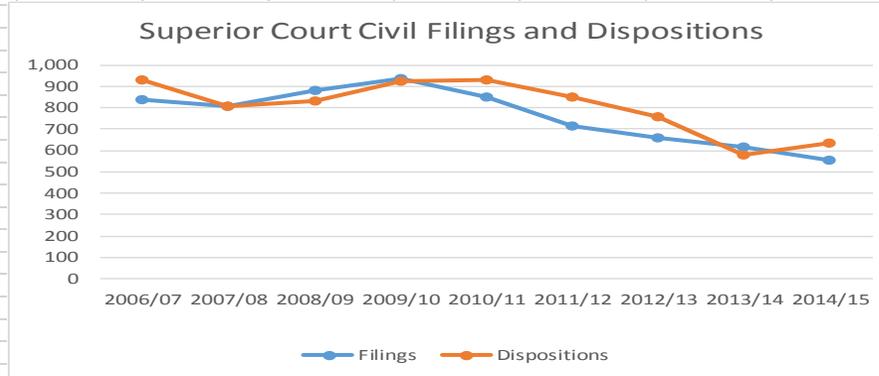
98% Disposed within 545 days of filing

100% Disposed within 730 days of filing

(Exceptional Cases beyond 24 months)

How Are We Doing in Superior Civil in Durham?

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Jul-Dec '15
Filings	837	806	879	938	847	715	657	619	554	
Dispositions	933	805	832	922	933	852	756	578	632	
Clearance Rate	111%	100%	95%	98%	110%	119%	115%	93%	114%	
Pending Med Age	148	147	155	173	231	211	181	202	204	
Disposed Med Age	203	190	172	161	182	251	192	177	250	
Pending > 1 Year					183	155	115	151	114	
% Pending > 1 Year					31%	28%	26%	30%	27%	
Pending at Year End	543	545	593	613	601	545	436	504	419	
Statewide Filing	27,091	27,226	29,908	27,764	26,353	24,345	21,485	18,659	17,265	



How Are We Doing in District Civil in Durham?

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	Jul-Dec '15
Filings	1,992	2,674	2,927	2,921	1,835	1,459	1,292	1,465	1,573	
Dispositions	2,232	2,381	2,791	3,290	2,336	1,784	1,558	1,371	1,997	
Clearance Rate	112%	89%	95%	113%	127%	122%	121%	94%	127%	
Pending Med Age										
Disposed Med Age										
Pending > 1 Year					120	119	41	35	52	
% Pending > 1 Year					18%	19%	10%	6%	10%	
Pending at Year End	898	1,186	1,317	915	676	630	399	529	516	
Statewide Filing	75,826	103,859	102,204	98,084	69,962	56,509	49,495	52,229	55,497	

